

~~Eastern~~ UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
☐ Eastern (Jackson) DIVISION
☐ Western (Memphis) DIVISION

Cetrial Kilpatrick
Plaintiff,

vs.

Lipsev Trucking LLC

Defendant.

FILED

MAR 23 2020

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

No. 1:20-cv-75

Vickan / Lee

COMPLAINT

1. This action is brought for discrimination in employment pursuant to (check only those that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 – 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102 -166)

NOTE: In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 – 12117 (amended by the ADA Amendments Acts of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 1102-166).

NOTE: In order to bring a suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

JURISDICTION

2. Jurisdiction is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, and any related claims under Tennessee law.

PARTIES

3. Plaintiff resides at:

236 Sanderson St.
STREET ADDRESS
Blount, TN, 37701, 901-319-5815
County State Zip Code Telephone Number

4. Defendant(s) resides at, or its business is located at:

5600 Brainerd Road Suite E2
STREET ADDRESS
Hamilton, Chattanooga, TN, 37411
County City State Zip Code

NOTE: If more than one defendant, you must list the names, address of each additional defendant.

5. The address at which I sought employment or was employed by the defendant(s) is:

STREET ADDRESS

_____, _____, _____, _____.
County City State Zip Code

6. The discriminatory conduct of which I complain in this action includes (*check only those that apply*)

- ☐ Failure to hire
- ☒ Termination of my employment
- ☐ Failure to promote
- ☒ Failure to accommodate my disability
- ☐ Unequal terms and conditions of my employment
- ☐ Retaliation
- ☐ Other acts(*specify*): _____

NOTE: *Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.*

7. It is my best recollection that the alleged discriminatory acts occurred on:
September 2, 2019
Date(s)

8. I believe that the defendant(s) (*check one*):

- ☐ is still committing these acts against me.
- ☐ is not still committing these acts against me.

9. Defendant(s) discriminated against me based on my:
(*check only those that apply and state the basis for the discrimination. For example, if religious discrimination is alleged, state your religion. If racial discrimination is alleged, state your race, etc.*)

☒ Race Only black female driver
☐ Color _____
☒ Gender/Sex Female
☐ Religion _____
☐ National Origin _____
☒ Disability Diabetes
☐ Age. If age is checked, answer the following:
I was born in _____. At the time(s) defendant(s) discriminated against me.

I was [] more [] less than 40 years old. (*check one*)

NOTE: Only those grounds raised in the charge filed the Equal Employment Opportunity Commission can be considered by the federal district court.

10. The facts of my case are as follows:

Overview: Plaintiff was discharge after State of California Highway Patrol place the defendant tractor trailer out of service, after an D.O.T inspection uncovered mechanical defects.

Plaintiff: Complained to the dependent several times of their faulty equipment.

Plaintiff was Discharge.

(Attach additional sheets as necessary)

NOTE: As additional support for your claim, you may attach to this complaint a copy of the

charge filed with the Equal Employment Opportunity Commission or the Tennessee Human Rights Commission.

11. It is my best recollection that I filed a charge with the Tennessee Human Rights Commission regarding defendant's alleged discriminatory conduct on: _____
12. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: _____.

Date

Only litigants alleging age discrimination must answer Question #13.

13. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct. (check one):

- ☐ 60 days or more have elapsed
- ☐ Less than 60 days have elapsed.

14. The Equal Employment Opportunity Commission (check one):

- ☐ has not issued a Right to Sue Letter.
- ☒ has issued a Right to Sue letter, which I **received** on December 23, 2019.

Date

NOTE: This is the date you received the Right to Sue letter, not the date the Equal Employment Opportunity Commission issued the Right to Sue letter.

15. Attach a copy of the Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

NOTE: You must attach a copy of the right to sue letter from the Equal Employment Opportunity Commission.

16. I would like to have my case tried by a jury:

- ☒ Yes
- ☐ No

WHEREFORE, plaintiff prays that the Court grant the following relief:

- ☐ direct that the Defendant employ Plaintiff, or
- ☐ direct that Defendant re-employ Plaintiff, or
- ☐ direct that Defendant promote Plaintiff, or
- ☐ order other equitable or injunctive relief as follows: _____

☐ direct that Defendant pay Plaintiff back pay in the amount of _____ and interest on back pay;

☐ direct that Defendant pay Plaintiff compensatory damages: Specify the amount and basis for compensatory damages: _____


SIGNATURE OF PLAINTIFF

Date: _____

3/23/2020

236 Sanderson St
Address

Alcoa TN 37701

901 319-5815
Phone Number

10. Additional Facts of Plaintiff Cetrial Kilpatrick

- a. Plaintiff was hired on June 19, 2019, as A Truck Driver with Lispey Trucking
- b. The plaintiff reported to the Operations Director, Matt Weir Operation Manager, Joey Young.
- c. Defendant anticipated to paid Plaintiff \$70,200 per year in her position of Truck Driver.
- d. Plaintiff first reported issues with the equipment to Operations Director, Matt Weir
- e. On July 03, 2019, Plaintiff first complained to replace mudflap on the trailer
- f. On July 7, 2019, Plaintiff second complaint to replace mudflap on a different trailer and including a tire.
- g. Plaintiff complained again several more times afterward with different trailers.
- h. On September 2, 2019, Plaintiff was put out of service by the State of California Highway Patrol D.O.T.
- i. Defendant trailer was inspected for uncovered mechanical defects.
- j. Plaintiff was escorted by the State of California Highway Patrol D.O.T to the loves truck stop.
- k. Under the U.S. Department of Transportation Federal Motor Carrier Safety Administration requirements, Plaintiff could not move the Defendant tractor-trailer
- l. Plaintiff waited for repairs to be made to the Defendant trailer.
- m. Plaintiff sent a picture text of the State of California Highway Patrol inspection form to Defendant Operations Director, Matt Weir.
- n. Plaintiff waited overnight, for the repairs to be made.
- o. Defendant fired Plaintiff on September 12, 2019

Question # 10 Plaintiff Cetrial Kilpatrick vs. Defendant Lipsey Trucking

- p. Defendant made false allegations and complaints against Plaintiff.
- q. Defendant falsely alleges that Plaintiff was texting while driving
- r. Plaintiff's termination has caused her to suffer great emotional and mental distress and harm.
- s. Plaintiff worked at 5600 Brainerd RD, STE E-S Chattanooga Tennessee 37411 and was terminated.